



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,098	06/14/2001	Douglas Allyn Miller	005217.P055	7973
47053	7590	05/30/2006	EXAMINER	
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC			SHELEHEDA, JAMES R	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2623	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,098

Applicant(s)

MILLER, DOUGLAS ALLYN

Examiner

James Sheleheda

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/26/05, 4/5/06, 5/19/06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-6, 8, 14-17, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite et al. (Hite) (5,774,170) (of record) in view of Coleman (US 2002/0026351 A1).

As to claim 1, Hite discloses a method (column 1, lines 5-10), comprising:

sending one or more television signals to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communications network (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39),

wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31);

aggregating information related to the second advertisement (column 9, line 42-column 10, line 54);

sending at least some of the aggregated information related to the second advertisement to the client terminal via a second channel of the communication network (column 6, line 60-column 7, line 14);

correlating the information related to the first advertisement with the information related to the second advertisement (column 7, lines 24-32); and

swapping the first advertisement with the second advertisement if there is a match in the correlated information (column 7, lines 15-32).

While Hite discloses providing a default ad which will be displayed unless a replacement is specifically selected (column 6, lines 3-9), he fails to specifically disclose swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services.

In an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads

Art Unit: 2623

(paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 2, Hite and Coleman disclose wherein the information associated with the first advertisement is sent to the client along with the television signal (see Hite at column 7, lines 15-24), and wherein swapping the first advertisement with the second advertisement if there is a match in the correlated information (see Hite at column 7, lines 15-32) comprises:

storing at least some of the second advertisement in a storage location communicatively coupled to the client terminal (see Hite at column 7, lines 7-14);

retrieving the second advertisement from the storage location (see Hite at column 7, lines 9-32); and

displaying the retrieved second advertisement instead of the first advertisement (see Hite at column 7, lines 25-32).

As to claim 4, Hite and Coleman disclose wherein the information associated with the first advertisement is sent to the client terminal along with the television signal (see

Art Unit: 2623

Hite at column 7, lines 15-24), and wherein swapping the first advertisement with the second advertisement if there is a match in the correlated information (see Hite at column 7, lines 15-32) comprises tuning the client terminal from the first channel to another channel where the second advertisement is carried (see Hite at column 5, lines 63-67, column 6, lines 1-9, lines 28-39 and column 7, lines 31-33).

As to claim 5, Hite and Coleman disclose wherein aggregating the information related to the second advertisement includes receiving at least a portion of the information from a unit that processes the television signals (databases formed at the television broadcasting center; see Hite at column 9, lines 39-67).

As to claim 6, Hite and Coleman disclose wherein aggregating the information related to the second advertisement includes receiving trigger information from a third-party entity (CID codes triggering the replacement of ads; see Hite at column 11, lines 18-30, column 9, line 58-column 10, line 56 and column 7, lines 15-30).

As to claim 8, Hite and Coleman disclose opting in the client terminal to participate in the swapping of the first advertisement with the second advertisement (see Hite at column 4, lines 52-61).

As to claim 14, Hite and Coleman disclose sending a command to opt-in the client terminal (see Coleman at paragraphs 54, 55, 109 and 112) when the subscriber is

identified in a database of subscribers who opted-in for the substitute advertisement services (see Coleman at paragraphs 54, 55, 109 and 112).

As to claim 15, Hite discloses an article of manufacture (Fig. 5), comprising:  
a machine readable medium having instructions stored thereon (controlling the system; Fig. 5; column 13, line 58-column 14, line 58) to:

in regards to one or more television signals sent to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communications network (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39), wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31), aggregate information related to a second advertisement that is to replace the first advertisement (column 9, line 42-column 10, line 54);

send at least some of the aggregated information related to the second advertisement to the client terminal via a second channel of the communication network (column 6, line 60-column 7, line 14);

correlate the information related to the first advertisement with the information related to the second advertisement (column 7, lines 24-32); and

swap the first advertisement with the second advertisement if there is a match in the correlated information (column 7, lines 15-32).

While Hite discloses providing a default ad which will be displayed unless a replacement is specifically selected (column 6, lines 3-9), he fails to specifically disclose swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services.

In an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 16, Hite and Coleman disclose wherein the instructions to swap the first advertisement with the second advertisement include instructions to tune to a channel where the second advertisement is carried (see Hite at column 5, lines 63-67, column 6, lines 1-9, lines 28-39 and column 7, lines 31-33).

As to claim 17, Hite and Coleman disclose wherein the instructions to swap the first advertisement with the second advertisement include instructions to retrieve the second advertisement from a storage location (see Hite at column 7, lines 9-32).

As to claim 22, Hite discloses an interactive television system, comprising:  
a broadcast center (Fig. 1; media origination facility, 300) to send a television signal to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communication network coupled to the broadcast center (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39), wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31),

an aggregator (column 2, lines 42-67) communicatively coupled to a broadcast center of an interactive television system (Fig. 1), the aggregator capable to aggregate at least some information related to a second advertisement (column 9, line 42-column 10, line 54), the aggregator further capable to send at least some of the aggregated information (column 6, line 60-column 7, line 14) to cause a swap of the second advertisement in place of the first advertisement (column 7, lines 15-32).

While Hite discloses providing a default ad which will be displayed unless a replacement is specifically selected (column 6, lines 3-9), he fails to specifically disclose swapping advertisements if a subscriber has opted in by specific request to receive substitute advertisement services.

In an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include swapping advertisements if a subscriber has opted in by specific request to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 23, Hite and Coleman disclose wherein the information aggregated by the aggregator includes trigger information provided by a third-party entity (CID codes triggering the replacement of ads; see Hite at column 11, lines 18-30, column 9, line 58-column 10, line 56 and column 7, lines 15-30).

As to claim 26, Hite and Coleman disclose sending a command to op-in the client terminal (see Coleman at paragraphs 54, 55, 109 and 112) when the subscriber is identified in a database of subscribers who opted-in for the substitute advertisement services (see Coleman at paragraphs 54, 55, 109 and 112).

4. Claims 9, 11-13, 24, 25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite, in view of Coleman and Hinderks (2001/0025377A1) (of record).

As to claim 29, Hite discloses an interactive television system (Fig. 1), comprising:

a broadcast center (Fig. 1; media origination facility, 300) to send a television signal to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communication network coupled to the broadcast center (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39), wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31),

an aggregator (column 2, lines 42-67) communicatively coupled to a broadcast center of an interactive television system (Fig. 1), the aggregator capable of aggregating at least some information related to a second advertisement (column 9, line 42-column 10, line 54), the aggregator further capable of sending at least some of the aggregated information (column 6, line 60-column 7, line 14) to cause a swap of the second advertisement in place of the first advertisement (column 7, lines 15-32).

While Hite discloses a unit disposed at the client terminal (Fig. 5) to receive the aggregated information from the aggregator (column 7, lines 1-32) and based on the received aggregated information, replacing the first advertisement with the second advertisement (column 7, lines 1-32) and providing a default ad which will be displayed

Art Unit: 2623

unless a replacement is specifically selected (column 6, lines 3-9), he fails to specifically disclose swapping advertisements if a subscriber has opted in by specific request to receive substitute advertisement services and a unit disposed at the broadcast center to switch an output feed of the broadcast center to provide the second advertisement to a client terminal

In an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

Additionally, in an analogous art, Hinderks discloses a video distribution system (Fig. 54; paragraph 304) wherein a server will receive a video stream containing advertisements (national feed; paragraph 304) and wherein the server will replace the national advertisement with a local advertisement (paragraph 304) by switching the output feed (switching from the national feed to the local feed; see Hinderks at paragraph 304) before distribution to the clients (Fig. 54; paragraph 304) for the typical benefit of ensuring that users receive more relevant local advertisements (paragraphs 27 and 304).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include swapping advertisements if a

Art Unit: 2623

subscriber has opted in by specific request to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Coleman's system to include a unit disposed at the broadcast center to switch an output feed of the broadcast center to provide the second advertisement to a client terminal, as taught by Hinderks, for the typical benefit of providing programming which contains local advertisements more relevant to the viewing area.

As to claim 30, Hite, Coleman and Hinderks disclose wherein the unit is capable of switching the output feed of the broadcast center via a switch to a channel that carries the substitute advertisement (switching from the national feed to the local feed; see Hinderks at paragraph 304), the unit further capable to send a command to the client terminal to tune to the channel that carries the substitute advertisement (see Hite at column 5, lines 63-67, column 6, lines 1-9, lines 28-39 and column 7, lines 31-33).

As to claim 31, Hite, Coleman and Hinderks disclose wherein the unit is capable of switching the output feed of the broadcast center via an override of the first advertisement in the television signal with the second advertisement and to send the second advertisement with the television signal on the first channel (overriding the

Art Unit: 2623

national ad by switching from the national feed to the local feed; see Hinderks at paragraph 304).

As to claim 9, while Hite and Coleman disclose swapping the first advertisement and the second advertisement, they fail to specifically disclose wherein the swapping occurs at a broadcast center.

In an analogous art, Hinderks discloses a video distribution system (Fig. 54; paragraph 304) wherein a server will receive a video stream containing advertisements (national feed; paragraph 304) and wherein the server will replace the national advertisement with a local advertisement (paragraph 304) before distribution to the clients (Fig. 54; paragraph 304) for the typical benefit of ensuring that users receive more relevant local advertisements (paragraphs 27 and 304).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Coleman's system to include wherein the swapping occurs at a broadcast center, as taught by Hinderks, for the typical benefit of providing programming which contains local advertisements more relevant to the viewing area.

As to claim 11, Hite, Coleman and Hinderks disclose wherein the swapping of the first advertisement with the second advertisement at the broadcast center includes switching an output feed of the broadcast center to carry a second advertisement

instead of the first advertisement (switching from the national feed to the local feed; see Hinderks at paragraph 304).

As to claim 12, Hite, Coleman and Hinderks disclose wherein switching the output feed includes switching from the first channel to another channel that carries the second advertisement (switching from the national feed to the local feed; see Hinderks at paragraph 304).

As to claim 13, Hite, Coleman and Hinderks disclose wherein switching the output feed includes overriding the first advertisement with the second advertisement on the television signal carried on the first channel (overriding the national ad by switching from the national feed to the local feed; see Hinderks at paragraph 304).

As to claim 24, while Hite and Coleman disclose swapping the first advertisement and the second advertisement, they fail to specifically disclose a unit disposed at the broadcast center to switch an output feed of the broadcast center from the first channel to a second channel that carries the substitute advertisement.

In an analogous art, Hinderks discloses a video distribution system (Fig. 54; paragraph 304) wherein a server will receive a video stream containing advertisements (national feed; paragraph 304) and wherein the server will replace the national advertisement with a local advertisement (paragraph 304) before distribution to the

Art Unit: 2623

clients (Fig. 54; paragraph 304) for the typical benefit of ensuring that users receive more relevant local advertisements (paragraphs 27 and 304).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Coleman's system to include a unit disposed at the broadcast center to switch an output feed of the broadcast center from the first channel to a second channel that carries the substitute advertisement, as taught by Hinderks, for the typical benefit of providing programming which contains local advertisements more relevant to the viewing area.

As to claim 25, while Hite and Coleman disclose swapping the first advertisement and the second advertisement, they fail to specifically disclose a unit disposed at the broadcast center to override the first advertisement with the second advertisement for the television signal carried on the first channel.

In an analogous art, Hinderks discloses a video distribution system (Fig. 54; paragraph 304) wherein a server will receive a video stream containing advertisements (national feed; paragraph 304) and wherein the server will replace the national advertisement with a local advertisement (paragraph 304) before distribution to the clients (Fig. 54; paragraph 304) for the typical benefit of ensuring that users receive more relevant local advertisements (paragraphs 27 and 304).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Coleman's system to include a unit disposed at the broadcast center to override the first advertisement with the second

Art Unit: 2623

advertisement for the television signal carried on the first channel, as taught by Hinderks, for the typical benefit of providing programming which contains local advertisements more relevant to the viewing area.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hite and Coleman as applied to claim 1 above, and further in view of Alexander et al. (Alexander) (6,177,931) (of record).

As to claim 3, while Hite and Coleman disclose displaying a first advertisement instead of a second advertisement, they fail to specifically disclose overlaying at least some of the second advertisement over the first advertisement.

In an analogous art, Alexander discloses a system for providing customized advertising to viewers (column 32, lines 24-34) wherein a first advertisement is received in a video stream (column 32, lines 35-41) and second advertising information is overlaid onto the original advertisement (column 32, lines 35-45) upon detection of the particular advertisement (column 32, lines 47-54) for the typical benefit of allowing a transmitted advertisement to be customized for the particular receiver (paragraph 32, lines 35-45).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Coleman's system to include overlaying at least some of the second advertisement over the first advertisement, as taught by Alexander, for the typical benefit of allowing a transmitted advertisement to be customized for the particular receiver.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hite, Coleman and Hinderks as applied to claim 9 above, and further in view of Bendinelli et al. (Bendinelli) (6,061,719) (of record).

As to claim 10, while Hite, Coleman and Hinderks disclose wherein the swapping of the first advertisement with the second advertisement at the broadcast center includes replacing the information associated with the first advertisement (CID associated with each advertisement; see Hite at column 9, lines 47-50) with the information associated with the second advertisement in the television signal (by replacing the associated advertisement; see Hinderks at paragraph 304), they fail to specifically disclose link information associated with the advertisements.

In an analogous art, Bendinelli discloses a television receiving system (Fig. 1) wherein a received television advertisement includes a URL link (column 3, lines 19-24) which is utilized to direct a browser to a website (column 3, lines 57-63) for the typical benefit of allowing a user to easily access web information related to the displayed advertisement (column 1, line 48-column 2, line 5).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite, Coleman and Hinderk's system to include link information associated to the advertisements, as taught by Bendinelli, for the typical benefit of allowing a user to easily access web information related to the displayed advertisement.

7. Claims 7, 18, 19, 21, 27, 28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hite in view of Coleman, Darby et al. (Darby) (US 2003/0126597 A1) and Stahura (US 2003/0009592 A1).

As to claim 19, Hite discloses an apparatus, comprising:

an aggregator (column 2, lines 42-67) communicatively coupled to a broadcast center of an interactive television system (Fig. 1), the aggregator capable of aggregating at least some information related to a substitute advertisement (column 9, line 42-column 10, line 54), the aggregator further capable of sending at least some of the aggregated information (column 6, line 60-column 7, line 14) to cause a swap of the substitute advertisement in place of an original advertisement that is provided to the broadcast center (column 7, lines 15-32).

While Hite discloses replacing the first advertisement with the second advertisement (column 7, lines 26-32), he fails to specifically redirection of a subscriber who clicks on a link that was present in the original advertisement using a link related to the substitute advertisement and swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services.

In an analogous art, Darby discloses broadcast television system (Fig. 1) wherein advertisements are transmitted with link information (see Figs. 2b and 3; paragraphs 45 and 52) which a user may select to retrieve information on an advertised product (paragraphs 45, 50, 52 and 55) for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet (paragraph 5).

Additionally, in an analogous art, Stahura discloses a communications system wherein a user will enter link information for a particular web page (paragraphs 36, 38 and 40) and the system will redirect the user to an advertisement for a competitor (paragraph 40) if the original link is found to be unregistered (paragraphs 6 and 38) for the typical benefit of providing more useful information to a user when inaccessible domain name is entered (paragraph 6).

Finally, in an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include wherein links are present within the advertisements, as taught by Darby, for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Darby's system to include redirection of a subscriber who clicks on a link using a link related to the substitute advertisement, as

Art Unit: 2623

taught by Stahura, for the typical benefit of providing more useful information to a user when unaccessible domain name is entered.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite, Darby and Stahura's system to include swapping advertisements if a subscriber has specifically requested to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 21, Hite, Darby, Stahura and Coleman disclose wherein the aggregator sends the information to an opted-in client to allow the swap to occur at the client terminal (see Hite at column 7, lines 1-32).

As to claim 27, Hite discloses a method, comprising:

sending one or more television signals sent to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communications network (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39), wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31), wherein the information associated with the first advertisement is sent to the client terminal along with the television signal (column 7, lines 24-31);

aggregating information related to a second advertisement (column 9, line 42-column 10, line 54);

sending at least some of the aggregated information related to the second advertisement to the client terminal via a second channel of the communication network (column 6, line 60-column 7, line 14);

correlating the information related to the first advertisement to the information related to the second advertisement (column 7, lines 24-32); and

swapping the first advertisement with the second advertisement if there is a match in the correlated information (column 7, lines 15-32).

While Hite discloses replacing the first advertisement with the second advertisement (column 7, lines 26-32), he fails to specifically redirection of a subscriber who clicks on a link that was present in the original advertisement using a link related to the substitute advertisement and swapping advertisements if a subscriber has specifically affirmatively elected to receive substitute advertisement services.

In an analogous art, Darby discloses broadcast television system (Fig. 1) wherein advertisements are transmitted with link information (see Figs. 2b and 3; paragraphs 45 and 52) which a user may select to retrieve information on an advertised product (paragraphs 45, 50, 52 and 55) for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet (paragraph 5).

Additionally, in an analogous art, Stahura discloses a communications system wherein a user will enter link information for a particular web page (paragraphs 36, 38

Art Unit: 2623

and 40) and the system will redirect the user to an advertisement for a competitor (paragraph 40) if the original link is found to be unregistered (paragraphs 6 and 38) for the typical benefit of providing more useful information to a user when unaccessible domain name is entered (paragraph 6).

Finally, in an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include wherein links are present within the advertisements, as taught by Darby, for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Darby's system to include redirection of a subscriber who clicks on a link using a link related to the substitute advertisement, as taught by Stahura, for the typical benefit of providing more useful information to a user when unaccessible domain name is entered.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite, Darby and Stahura's system to include swapping advertisements if a subscriber has affirmatively elected to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 28, Hite, Darby, Stahura and Coleman disclose wherein swapping the first advertisement with the second advertisement if there is a match in the correlated information (see Hite at column 7, lines 15-32) comprises tuning the client terminal from the first channel to another channel where the second advertisement is carried (see Hite at column 5, lines 63-67, column 6, lines 1-9, lines 28-39 and column 7, lines 31-33).

As to claim 32, Hite discloses a method (column 1, lines 5-10), comprising:  
sending one or more television signals to a client terminal (Fig. 1, display site, 400; column 9, lines 32-38 and column 5, lines 29-39) via a first channel of a communications network (Fig. 1; column 9, lines 32-38 and column 5, lines 29-39), wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal (default ad with CID; column 7, lines 24-31), the information capable of identifying the first advertisement and of demarcating the beginning and ending locations of the first advertisement in the television signal (wherein the local processor identifies the commercial break; column 7, lines 24-31);

aggregating information related to a second advertisement (column 9, line 42-column 10, line 54), the aggregated information including information indicative of one or more first advertisements for which the second advertisement is to be swapped (column 9, lines 44-50 and column 7, lines 15-31);

correlating the information related to the first advertisement to the information related to the second advertisement to determine if the first advertisement is to be swapped with the second advertisement (column 7, lines 24-32); and

swapping the first advertisement with the second advertisement if the correlated information determines that a swap is appropriate (column 7, lines 15-32), wherein the second advertisement is swapped for the first advertisement during a time period substantially corresponding to the beginning and end locations of the first advertisement (replacing the first advertisement during the set commercial break; column 7, lines 15-32).

While Hite discloses replacing the first advertisement with the second advertisement (column 7, lines 26-32), he fails to specifically replacing link information associated with the first advertisement with link information associated with the second advertisement by redirecting of a subscriber who clicks on a link that was present in the original advertisement using a link related to the substitute advertisement and swapping advertisements if a subscriber has specifically affirmatively elected to receive substitute advertisement services.

In an analogous art, Darby discloses broadcast television system (Fig. 1) wherein advertisements are transmitted with link information (see Figs. 2b and 3; paragraphs 45

Art Unit: 2623

and 52) which a user may select to retrieve information on an advertised product (paragraphs 45, 50, 52 and 55) for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet (paragraph 5).

Additionally, in an analogous art, Stahura discloses a communications system wherein a user will enter link information for a particular web page (paragraphs 36, 38 and 40) and the system will redirect the user to an advertisement for a competitor (paragraph 40) if the original link is found to be unregistered (paragraphs 6 and 38) for the typical benefit of providing more useful information to a user when inaccessible domain name is entered (paragraph 6).

Finally, in an analogous art, Coleman discloses broadcast advertising system (Figs. 9 and 10; paragraph 105) wherein advertisements are transmitted to the user's location for selection (paragraph 109 and paragraph 112) to enable the presentation of targeted advertisements to users (paragraph 112) only if the user has actively registered with the system (paragraphs 54, 55, 109 and 112) to provide the data required to target ads (paragraphs 61-70, 106 and 107) for the typical benefit of allowing user's to limit the spread and use of their personal information by advertisers (paragraphs 54, 61 and 85).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include wherein links are present within the advertisements, as taught by Darby, for the typical benefit allowing advertisers to

Art Unit: 2623

present multiple forms of information and achieve a synergy between television and the Internet.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Darby's system to include redirection of a subscriber who clicks on a link using a link related to the substitute advertisement, as taught by Stahura, for the typical benefit of providing more useful information to a user when unaccessible domain name is entered.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite, Darby and Stahura's system to include swapping advertisements if a subscriber has individually opted-in to receive substitute advertisement services, as taught by Coleman, for the typical benefit of providing user's with control over the use of their personal information.

As to claim 33, Hite, Darby, Stahura and Coleman disclose wherein replacing the link information associated with the first advertisement with the link information associated with the second advertisement includes presenting the link information associated with the first advertisement to the subscriber (see Darby at Figs. 2b and 3; paragraphs 45 and 52) and upon subscriber activation thereof, redirecting the subscriber according to the link information associated with the second advertisement (see Stahura at paragraph 40).

As to claim 34, Hite, Darby, Stahura and Coleman disclose wherein replacing the link information associated with the first advertisement with the link information associated with the second advertisement (see Darby at Figs. 2b and 3; paragraphs 45 and 52) includes redirecting the subscriber to an address associated with the second advertisement (see Stahura at paragraph 40).

As to claims 7 and 18, while Hite and Coleman disclose replacing the first advertisement with the second advertisement (see Hite at column 7, lines 26-32), they fail to specifically replacing link information associated with the first advertisement with link information associated with the second advertisement by presenting the link information associated with the first advertisement to the subscriber and redirecting the subscriber according to the link information associated with the second advertisement.

In an analogous art, Darby discloses broadcast television system (Fig. 1) wherein advertisements are transmitted with link information (see Figs. 2b and 3; paragraphs 45 and 52) which a user may select to retrieve information on an advertised product (paragraphs 45, 50, 52 and 55) for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet (paragraph 5).

Additionally, in an analogous art, Stahura discloses a communications system wherein a user will enter link information for a particular web page (paragraphs 36, 38 and 40) and the system will redirect the user to an advertisement for a competitor (paragraph 40) if the original link is found to be unregistered (paragraphs 6 and 38) for

Art Unit: 2623

the typical benefit of providing more useful information to a user when inaccessible domain name is entered (paragraph 6).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite's system to include wherein links are present within the advertisements, as taught by Darby, for the typical benefit allowing advertisers to present multiple forms of information and achieve a synergy between television and the Internet.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite and Darby's system to include redirection of a subscriber who clicks on a link using a link related to the substitute advertisement, as taught by Stahura, for the typical benefit of providing more useful information to a user when inaccessible domain name is entered.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hite, Coleman, Darby and Stahura, as applied to claim 19 above, and further in view of Hinderks.

As to claim 20, while Hite, Coleman, Darby and Stahura disclose swapping the first advertisement and the second advertisement, they fail to specifically disclose wherein the swapping occurs prior to transmission to a client terminal.

In an analogous art, Hinderks discloses a video distribution system (Fig. 54; paragraph 304) wherein a server will receive a video stream containing advertisements (national feed; paragraph 304) and wherein the server will replace the national

Art Unit: 2623

advertisement with a local advertisement (paragraph 304) before distribution to the clients (Fig. 54; paragraph 304) for the typical benefit of ensuring that users receive more relevant local advertisements (paragraphs 27 and 304).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Hite, Coleman, Darby and Stahura's system to include wherein the swapping occurs prior to transmission to a client terminal, as taught by Hinderks, for the typical benefit of providing programming which contains local advertisements more relevant to the viewing area.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-5, 7-22 and 24-34 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed 03/09/06, in regards to claims 6 and 23 have been fully considered but they are not persuasive.

Applicant argues, on pages 14 and 18, that "wherein the information aggregated by the aggregator includes trigger information provided by a third party" is not evident within the cited and applied art.

In response, as indicated in the rejections above, Hite specifically discloses wherein the aggregated information includes information provided by third parties which are utilized to trigger the insertion of specific targeted advertisements (see Hite at

Art Unit: 2623

column 11, lines 18-30, column 9, line 58-column 10, line 56 and column 7, lines 15-30).

This clearly reads upon the broad limitation of "trigger information."

### ***Conclusion***

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
Art Unit 2623

JS

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**